

February 24, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Via Electronic Filing

Re: *Ex Parte* Presentation, WC Docket No. 07-245

Dear Ms. Dortch:

On February 23, 2011, Robert Millar of NextG Networks, Brian Regan of PCIA-The Wireless Infrastructure Association and the undersigned of the DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association (“Parties”) met with Christine Kurth, Policy Director and Wireline Counsel to Commissioner McDowell.

The Parties discussed the integral role of wireless infrastructure—specifically Distributed Antenna Systems (“DAS”)—in the effort to achieve the President’s and the Commission’s broadband and wireless goals. The Parties urged the Commission to take action in the above captioned proceeding to address barriers facing wireless attachers to utility poles including access, timing, and rates.

In addressing barriers to utility pole access, the Parties urged the Commission to ensure that wireless attachers have guaranteed nondiscriminatory access to the usable space on the pole, including pole tops, and confirm that any denials for any request to attach must be consistent with the Commission’s rules and highly specific and detailed.¹ Further, any denial must serve as the basis for a negotiation on standards and terms for wireless attachments.² The Parties are confident that through reference to the NESC and reasonable negotiations, utility pole owners can address any legitimate concerns regarding safety or reliability.³ Regarding the issue of timing, the Parties urged the Commission to adopt the wireline make-ready timeline and ensure that wireless attachers are afforded a make-ready timeline as similar as possible to the wireline timeline.⁴ The Parties explained that make-ready for a wireless attachment is consistent with make-ready for wireline attachments, and that the difference and antenna types do not significantly impact make ready.

Finally, the Parties urged the Commission to ensure that wireless attachers are guaranteed the regulated pole attachment rate for the vital services they are providing.⁵ The Parties acknowledged that to the extent that a wireless attacher occupies more than one-foot of usable space, the wireless attacher would have to pay the regulated rate adjusted for the amount of useable space occupied. The Parties explained that the record contains evidence of utility pole owners charging monopoly rates for wireless attachments

¹ See Comments of The DAS Forum – A Membership Section of PCIA-The Wireless Infrastructure Association, WC Docket No. 07-245, at 8-12 (filed Aug. 16, 2010) (“DAS Forum Comments”); Reply Comments of The DAS Forum – A Membership Section of PCIA-The Wireless Infrastructure Association, WC Docket No. 07-245, at 4-11 (filed Oct. 4, 2010) (“DAS Forum Reply Comments”).

² DAS Forum Comments at 10-12; DAS Forum Reply Comments at 6-7.

³ DAS Forum Reply Comments at 9-12.

⁴ DAS Forum Comments at 16-20; DAS Forum Reply Comments at 11-16.

⁵ DAS Forum Comments at 20-25; DAS Forum Reply Comments at 16-18.

that far exceed the regulated rates afforded to other attachers,⁶ and urged the Commission to resolve this deployment barrier by ensuring that wireless attachers are afforded regulated rates.

The attached slides were circulated among FCC staff during the meeting.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter will be filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,



Jonathan M. Campbell
Government Affairs Counsel
PCIA—The Wireless Infrastructure Association
901 N. Washington St., Suite 600
Alexandria, VA 22314

Cc: Christine Kurth

⁶ See DAS Forum Comments at 20-24; DAS Forum Reply Comments at 16-17; Reply Comments of T-Mobile USA, Inc., WC Docket No. 07-245, at 13-14 (filed Oct. 4, 2010); Reply Comments of NextG Networks, Inc., WC Docket No. 07-245, at 23-24 (filed Oct. 4, 2010).